

UNITED STATES DISTRICT COURT
COUNTY OF SOUTHERN DIST. NEW YORK

Index No. 07 CIV. 5821

RITA FLYNN

Plaintiff(s)

- against -

AFFIDAVIT OF SERVICE
OF:

NEW YORK STATE DIVISION OF PAROLE, ET AL

Defendant(s)

SUMMONS AND COMPLAINT IN A
CIVIL ACTION

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:

PETER DEL BENE

BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 08/03/07 at 1525 Hours at 3 COTTAGE PLACE NEW ROCHELLE, NY 10801

deponent served the within SUMMONS AND COMPLAINT IN A CIVIL ACTION

on

MICHAEL BURDI, AS REGIONAL DIRECTOR, OF NEW YORK

therein named,

STATE DIVISION OF PAROLE

INDIVIDUAL

by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person therein. ☒ (S) He identified (her) himself as such.A ☒

CORPORATION

a (domestic) (foreign) corporation by delivering thereat a true copy of each to personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said individual to be thereof

B ☐SUITABLE
AGE PERSONby delivering thereat a true copy of each to a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. ☐ (S) He identified (her) himself as of recipientC ☐AFFIXING TO
DOOR, ETC.

by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat, having called there on the dates below:

D ☐MAILING
USE WITH
C or D

Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient at and deposited

said wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service within New York State.

Deponent further states that he describes the person actually served as follows

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx.)
MALE	WHITE	SALT/PEPPER	48	5'10	240

MUSTACHE

MILITARY
SERVICE

Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.

☒

That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described as the defendant(s) in this action.

USE IN
NYC CIVIL CT.

The language required by NYCRR 2900.2(e). (f) & (h) was set forth on the face of said summons (es).

Sworn to before
me on the
08/06/07GERI L. ALBERT
Notary Public, State of New York
No. 01AL5047399
Qualified in Westchester County
Commission Expires July 31,

PETER DEL BENE

LICENSE No.

Client File # 0715486

148326

AFFIDAVIT OF NON-SERVICE

State of New York

Southern Dist. County

U. S. District Court

Rita Flynn

vs

Index No.: 07 civ. 5821

Filed On: June 20, 2007

New York State Division of Parole and Michael Burdi,

STATE OF NEW YORK, COUNTY OF ALBANY

Christopher Warner, being duly sworn deposes and says:

that deponent is over 18 years of age, that on several occasions deponent attempted to serve the above-named within the County of Albany, State of New York, by going to the last known address of said Michael Burdi, as Regional Director, of the New York State Division of Parole and after due diligence, deponent has been unable to effect service because:

The NYS Division of Parole Counsel cannot accept service on behalf of its Regional Directors. They only accept service on behalf of the Division, the Commissioner, and the Chairman.

Attempts were made for service as follows:

Date	Time	Place
7/23/07	10:45 am	97 Central Ave., Albany, NY

Sworn to before me on this

24th day of July, 2007

Faith Cozzy
FAITH COZZY
 Notary Public, State of New York
 Qualified in Albany County
 Reg. No. 01CO6158874
 Commission Expires January 8, 2011

Christopher Warner
 Christopher Warner

Invoice•Work Order # 0715486